

Remarks

Presently pending in this application are claims 18-21, of which claims 18 and 20 are independent and claims 19 and 21 are dependent. Each of these claims includes the functions of a mobile station (i) receiving a user request to change the mode of operation of the mobile station from a normal mode to a PTT mode, (ii) responsively switching to a higher frequency paging slot cycle, (iii) receiving and buffering a speech signal provided by the user, (iv) setting up an initiating communication leg with a PTT server, and (v) responsive to establishment of the initiating communication leg, sending the user's buffered speech to the PTT server for transmission in turn to at least one other station.

In the final Office Action, the Examiner rejected claims 18-21 under 35 U.S.C. § 103(a) as being obvious over a combination of Kinnavy (U.S. Patent Application Pub. No. 2003/0114156), Harris (U.S. Patent Application Pub. No. 2002/0191583), and Rosen (U.S. Patent Application Pub. No. 2003/0008657).

Under M.P.E.P. § 2143.03, in order to establish the requisite *prima facie* case of obviousness of claimed invention, the Examiner must establish that the prior art teaches all of the limitations of the claim. Applicant submits that a *prima facie* case of obviousness of claims 18-21 does not exist, because the cited combination of Kinnavy, Harris and Rosen fails to teach a mobile station carrying out the combination of functions recited in any of the pending claims.

Kinnavy and Harris both provide for changing the slot cycle index of a *target* (or "listener") *mobile station* so as to cause the target mobile station to check for pages more frequently. More specifically, Harris teaches that a target mobile station in a dispatch mode may operate at a higher frequency slot cycle. Kinnavy and Harris thus both provide for quicker paging of a target mobile station, so as to increase call setup time *to the target mobile station*.

On the other hand, Rosen teaches that an *initiating* (or "talker") *mobile station* can buffer a user's speech until a communication path with a downstream entity is established, so as to increase call setup time *from the initiating/talker mobile station*.

The invention as presently claimed, however, requires a given mobile station to carry out a combination of functions related to both *initiating* PTT communications and *receiving* PTT communications, so as to improve performance of the given mobile station generally in a PTT mode. As recited in independent claims 18 and 20, (i) a mobile station receives a user request to switch from a normal mode of operation to a PTT mode of operation, (ii) the same mobile station responsively switches to a higher frequency slot cycle index, (iii) the same mobile station buffers a speech signal provided by the user, (iv) the same mobile station sets up an initiating leg with a PTT server, and (v) responsive to establishing that leg, the same mobile station sends the buffered speech to the PTT server.

Kinnavy, Harris and Rosen, whether considered alone or in combination with each other, fail to teach a given mobile station performing this claimed combination of functions. At best, the cited art teaches that a target mobile station may switch to a higher frequency slot cycle when in a dispatch mode, and the cited art separately teaches that an initiating/talking mobile station may buffer a user's speech until a communication path is established. These are separate mobile stations. Applicant has not found in the cited art a teaching that a given mobile station would carry out the combination of functions as presently claimed.

In rejecting the claims, the Examiner discussed Kinnavy's and Harris' teaching of a target mobile station operating at a higher slot cycle index, and the Examiner then separately discussed Rosen's teaching of an initiating mobile station buffering a user's speech. However, the Examiner did not point to any evidence that suggests combining these functions into a single

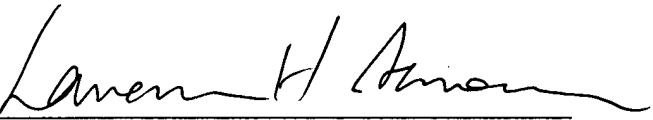
mobile station. Rather, the Examiner only concluded that it would have been obvious to do so. Because the cited art does not teach combining these functions into a single mobile station, Applicant submits that the prior art fails to render obvious the claimed invention, which recites these functions carried out by a mobile station.

Accordingly, Applicant submits that all of the pending claims 18-21 are in condition for allowance, and Applicant respectfully requests favorable reconsideration.

Respectfully submitted,

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